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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,063	04/27/2001	Philip D. Mooney	Mooney 68	9579

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EXAMINER	
PHU, SANH D	

ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/844,063	MOONEY, PHILIP D.	
	Examiner	Art Unit	
	Sanh D. Phu	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is responsive to the Amendment filed on 7/27/05.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 11, 13, 16-18, 20, 21, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayyagari et al (20010033554), (prior art of record), in view of Wang (6,173,041), (prior art of record).

-As per claims 11, 13, 16, 18, 29 and 31, see figures 1, 2, 8 and 9, and sections [0032]-[0046] and [0065]-[0072], Ayyagari et al discloses a method and an associated system for providing service record, comprising a first communication device (e.g., PICONET DEVICE 215) and a second communication device (e.g., PICONET DEVICE 215) (see figure 2), the second communication device capable of providing an dupdated record of services, the

services including modem based services using its modem (172) (see figure 1) to the first communication device wherein the method/system comprises:

step/means of generating by the second communication device, a service record identifying modem-based services that can be offered by the second communication device to the first communication device if a request or inquiry for such modem-based services is made by the first communication device to the second communication device (see (800), (810), (815) of figure 8).

Ayyagari et al does not specifically disclose step/means of determining whether a proper phone line connection exists in the second communication device, however, he discloses the modem-based services requires modem (172) accessing to an external network through a phone line.

Wang teaches step/means (10) of determining whether a proper phone line connection with a modem exists for the modem accessing to an external network through the phone line (see figure 1, and col. 1, line 52 to col. 2, line 55).

Therefore, it would have been obvious for one skilled in the art, when carrying out Ayyagari et al invention, within his skills and upon his design

preference and/or system requirement, to implement step of determining whether a proper phone line connection exists between the phone line and the modem, as taught by Wang, so that based on the results of determining whether a proper phone line connection exists between the phone line and the modem, the second communication device would generate the service record identifying modem-based services based on the modem accurately to the first communication device, namely, the second communication device would generate the service record identifying modem-based services based on the modem to the first communication device only if the proper phone line connection is determined.

Further regarding to claims 11 and 13, with the above rationale, the services provided by the modem (172) would inherently be removed from the updated record of services if it is determined by the second communication device that no proper line connections of the modem (172) with the phone line exists.

-As per claims 20 and 33, Ayyagari et al discloses that the services could include a LAN access service (see Ayyagari et al, section [0044]).

-As per claim 21, Ayyagari et al discloses that communicating the service record from the second communication device to the first communication device uses short-range wireless communication techniques (BLUETOOTH) (see figure 3).

-Claims 17 and 30 are rejected with similar reasons set forth for claim 11.

3. Claims 1-6, 8-10, 19, 22-27, 28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayyagari et al (20010033554), (prior art of record), in view of Wang (6,173,041), (prior art of record), and further in view of Williams et al (5,815,682), (prior art of record).

-As per claim 1, see figures 1, 2, 8 and 9, and sections [0032]-[0046] and [0065]-[0072], Ayyagari et al discloses a method and an associated system for providing service record, comprising a first communication device (e.g., PICONET DEVICE 215) and a second communication device (e.g., PICONET DEVICE 215) (see figure 2), the second communication device capable of providing services including modem based services using its modem (172) (see

figure 1) to the first communication device wherein the method/system comprises:

step/means of generating by the second communication device, a service record identifying modem-based services that can be offered by the second communication device to the first communication device if a request or inquiry for such modem-based services is made by the first communication device to the second communication device (see (800), (810), (815) of figure 8).

Ayyagari et al does not disclose step/means of determining whether a proper phone line connection exists in the second communication device.

Wang teaches step/means (10) of determining whether a proper phone line connection with a modem exists for the modem accessing to an external network through the phone line (see figure 1, and col. 1, line 52 to col. 2, line 55).

In Ayyagari et al, if the modem-based services requires modem (172) accessing to an external network through a phone line, it would have been obvious for one skilled in the art, when carrying out Ayyagari et al invention, within his skills and upon his design preference and/or system requirement, to

implement step of determining whether a proper phone line connection exists between the phone line and the modem, as taught by Wang, so that based on the results of determining whether a proper phone line connection exists between the phone line and the modem, the second communication device would generate the service record identifying modem-based services based on the modem accurately to the first communication device.

Ayyagari et al in view of Wang does not disclose step/means of determining whether a modem is present in the second communication device.

Williams et al discloses step/means (90, 92, 94) of determining whether particular modem(s) for particular applications are present in a communication system (see figures 3 and 4A and col. 8, line 16 to col. 13, line 58).

Therefore, for an application, it would have been obvious for one skilled in the art when carrying out Ayyagari et al invention in view of Wang, within his skills and upon his design preference and/or system requirement, to implement, in Ayyagari et al invention in view of Wang, step/means of determining whether particular modem(s) for particular applications are present in be performed by the second communication device, as taught by Williams et

al, to confirm the existence of the modems before the step of generating the service record identifying modem-based services to the first communication device so that based on the result of the confirmation, the second communication device would generate the service record identifying modem-based services accurately to the first communication device. .

Further, as discussed above, in Ayyagari et al invention, in view of Wang and Williams et al, the service record identifying the modem-based services would be generated if the first determining step determines that the modem is present in the second communication device, and if the second determining step determines that a proper phone line connection exists in the second communication device.

-Claims 2 and 4 are rejected with similar reasons set forth for claim 21.

-As per claim 3, Ayyagari et al discloses that the communicating is implemented by

Service Discovery Protocol (SDP) (415) installed in the first and second communication

Devices (see figure 4).

-As per claim 5, Ayyagari et al in view of Wang and Williams et al discloses step of detecting whether a phone line is plugged into a phone jack connected to the modem (see Wang, figure 1, col. 1 line 52 to col. 2, line 55).

-As per claim 6, Ayyagari et al in view of Wang and Williams et al discloses step of determining a voltage difference between wires of a phone line connected to the modem (see Wang, col. 1 line 52 to col. 2, line 55).

-Claims 8 and 26 are rejected with similar reasons set forth for claim 11.

-As per claim 9, Ayyagari et al invention in view of Wang and Williams et al would be capable of to generating a message informing the first communication device that there is no proper phone line connection when the second determining step determines that no proper phone line connection exists in the second communication device as a reply of deny availability of the requested services (see Ayyagari et al, (825) of figure 8, and section [0065]).

-As per claim 10, Ayyagari et al in view of Wang and Williams et al discloses that the modem-based services could include a Dial-up Networking Gateway service (see Ayyagari et al, section [0044] .

-Claims 19, and 32 are rejected with similar reasons set forth for claim 1.

-Claim 22 is rejected with similar reasons set forth for claims 1, 2 and 4.

-Claim 23 is rejected with similar reasons set forth for claim 3.

-Claim 24 is rejected with similar reasons set forth for claim 5.

-Claim 25 is rejected with similar reasons set forth for claim 6.

-Claim 27 is rejected with similar reasons set forth for claim 9.

-Claim 28 is rejected with similar reasons set forth for claim 10.

Response to Arguments

4. Applicant's arguments filed on 6/27/05 have been considered but are not persuasive.

-Claims 11 and 13-15 are rejected with new reasons set forth above in this Office Action..

-With respect to the previous rejections to independent claims 1, 16, 22 and 29, the applicant mainly argues that (i) regarding to claim 16 and 29, there is no motivation for one skilled in the art to implement Ayyagari et al in view of Wang for leading to teach procedures/devices of determining whether a proper line connection for providing services for a communication device; and generating a service record identifying the services only if the determining

procedure/device indicates that a proper line connection exists; (ii) regarding to claim 22, there is no motivation for one skilled in the art to implement Ayyagari et al in view of Wang and William et al for leading to teach devices of determining whether a modem is present in a second communication device, and determining whether a proper line connection exists in the communication device, wherein the second communication device generates a service record identifying modem-based services that can be offered by the second communication device to the first communication device, only if the modem is present in the second communication device and the proper phone line connection exists in the second communication device; and (iii) regarding to claim 1, there is no motivation for one skilled in the art to implement Ayyagari et al in view of Wang and William et al for leading to teach procedures of determining whether a modem is present in a second communication device; determining whether a proper line connection exists in the communication device; and generating by the second communication device, a service record identifying modem based services that can be offered by the second communication device to a first communication device, based on results of the

first and second determining steps, wherein the service record identifying the modem-based services is generated if the firs determining step determines that the modem is present in the second communication device, and if the second determining step determines that a proper line connection exists in the second communication".

Regarding to part (i) and (ii), the examiner respectfully disagrees. Ayyagari et al discloses a method and an associated system for providing service record, comprising a first communication device (e.g., PICONET DEVICE 215) and a second communication device (e.g., PICONET DEVICE 215) (see figure 2), the second communication device capable of generating and providing a record of services to the first communication device wherein the services includes modem based services by using modem (172) (see figure 1). Ayyagari et al does not disclose procedures/devices of determining whether a proper line connection for providing services for the first communication device; and generating a service record identifying the services only if the determining procedure/device indicates that a proper line connection exists. However, Ayyagari et al discloses that (a) the second communication device

comprises a central processing unit (including (120)) for controlling overall its operations (see figure 1, and [0037, 0041, 0042]; (b) that the second communication device provides an updated records upon the first communication device's request (see [0050, 0065]), and (c) that the modem based services require modem (172) accessing to an external network (internet) (see [0044]). Further, it is well-recognized in the art that in Ayyagari et al, if the modem (172) loses the connection to the external network, the modem based services then would not be available at the second communication device, in another word, the record of services should not be included in the updated record of services to be sent to the first communication. On the other hand, Wang teaches a modem (100) accessing to an external network via a phone line, and procedure/device (10) of determining whether a proper phone line connection with the modem exists for the modem accessing to the external network through the phone line and reporting the results to a central processing unit (20) (see figure 1, and col. 1, line 52 to col. 2, line 55). It would have been obvious for a person skilled in the art, when building or carrying out Ayyagari et al invention, within his skills, to implement Ayyagari et al with Wang

procedure/device (10) in such a way that the modem (172) would be accessed to the internet via a phone line, and a procedure/device would be carried out to determine whether a proper phone line connection with the modem (172) exists for the modem accessing to an external network through the phone line and reports the report the results to the central processing unit of the second communication unit, as taught by Wang, in order for the central processing unit (120) to control the second communication device to generate and provide a service record identifying the services to the first communication device only if the determining procedure/device indicates that a proper line connection with the modem (172) exists so that an updated service record identifying modem-based services based on the modem is accurately generated and provided to the first communication device upon the first communication device's request.

Further regarding to part (ii), Ayyagari et al in view of Wang does not teach devices of determining whether a modem is present in a second communication device, wherein the second communication device generates a service record identifying modem-based services that can be offered by the

second communication device to the first communication device, only if the modem is present in the second communication device. However, it is well-recognized in the art that in Ayyagari et al, if the modem (172) does not exist, the modem based services then would not be available at the second communication device, in another word, the record of services should then not be included in the updated record of services to be sent to the first communication. On the other hand, William et al teaches step/means of determining whether a modem is connected to a communication system and reporting the results to a central processing unit of the communication system (see figures 3 and 4A and col. 3, lines 40-48, col. 8, line 16 to col. 13, line 58). It would have been obvious for a person skilled in the art, when building or carrying out Ayyagari et al invention in view of Wang, within his skills, to implement Ayyagari et al invention in view of Wang with William et al procedure/device in such a way that an procedure/device would be implemented to determine whether the modem (172) is connected to the second communication system and reporting the results to the central processing unit of the second communication unit, as taught by William et al,

in order for the central processing unit of the second communication unit to control the second communication device to generate and provide a service record identifying the services to the first communication device only if the modem (172) is present in the second communication device and a proper line connection with the modem (172) exists so that an updated service record identifying modem-based services based on the modem is accurately generated and provided to the first communication device upon the first communication device's request.

Regarding to part (iii), the examiner disagrees with the applicant's arguments with similar reasons set forth above for part (ii).

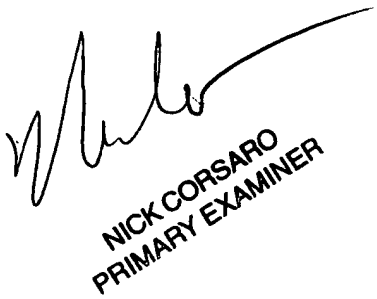
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sanh D. Phu
Examiner
Art Unit 2682

SP